THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12066 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the order dated 28.3.2006 in S.R.No.54 of 2005 passed by the 2nd respondent directing eviction of the petitioner in exercise of the power under Section 3(2) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959, as amended by Regulation 1 of 1970, is arbitrary and illegal.

Though the petitioner raised various grounds on merits, I am not inclined to express any opinion, since an alternative remedy of appeal is available against the impugned order, and as a matter of fact, the petitioner has already filed such an appeal. However, the petitioner pleads that though the appeal was filed on 8.5.2006, along with an application seeking stay of operation of the eviction order, the 1st respondent failed to consider the same, and in the meanwhile, the petitioner is likely to be dispossessed from the land in her occupation in execution of the order passed by the 2nd respondent.

Having regard to the facts and circumstances of the case and keeping in view that the statutory appeal is pending before the 1st respondent, I am of the opinion that it would be appropriate to protect the possession of the petitioner. Accordingly, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal on its file, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Till such time, there shall be a direction to the respondents not to give effect to the order passed by the 2nd respondent dated 28.3.2006.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

19th June, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12066 OF 2006

19th June, 2006.

Between:

N. Durga. .. Petitioner.

And

The Agent to the Government-cum-

District Collector, West Godavari District,

Eluru and two others. .. Respondents.